

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JAMES B. GOODMAN,

Plaintiff,

v.

SMART MODULAR TECHNOLOGIES, INC.,

Defendant.

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CIVIL ACTION H-14-1380

ORDER

Pending before the court is a report and recommendation (“R&R”) from Special Master Scott Woloson regarding David Fink’s first and second urgent motions for a protective order (Dkts. 65, 66). Dkt. 71. Fink seeks a protective order limiting the scope of an upcoming deposition of Fink. Dkt. 65. The Special Master shortened the response time for the parties to object to the R&R to five (5) days, as the deposition date is September 11, 2015. Dkt. 71. Plaintiff James B. Goodman timely filed an objection, arguing that the R&R contains an error on the first page relating to Goodman’s contentions in this lawsuit. Dkt. 72. Defendant SMART Modular Technologies, Inc. (“SMART”) filed a motion to adopt the Special Master’s report subject to Fink’s objection. Dkt. 73. SMART’s motion (Dkt. 73) is GRANTED. Goodman’s objection (Dkt. 72) is SUSTAINED. The court ADOPTS the R&R (Dkt. 71), with the exception of first sentence of the background section of the R&R, which does not impact the substantive reasoning or outcome.

Accordingly, Fink’s motions for a protective order(Dkts. 65, 66) are GRANTED IN PART and DENIED IN PART. The request for a protective order limiting the scope of Fink’s deposition as it relates to the topic of Goodman’s pre-suit investigation and the topic of the lost documents is DENIED. The request for a protective order limiting the scope of Fink’s deposition as it relates to

the topic of negotiations or licenses concerning the '315 Patent is GRANTED. SMART's motion for fees is DENIED. It is ORDERED that Fink's deposition shall be strictly limited to the topics addressed in the R&R.

Signed at Houston, Texas on September 10, 2015.

A handwritten signature in black ink, appearing to read 'G. Miller', written over a horizontal line.

Gray H. Miller
United States District Judge